



## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

#### **United States-Mexico-Canada Agreement (USMCA), Article 10.12:**

##### **Binational Panel Review: Notice of Request for Panel Review**

**AGENCY:** United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

**ACTION:** Notice of USMCA request for panel review.

**SUMMARY:** A Request for Panel Review was filed on behalf of the Government of Canada, the Governments of Alberta, British Columbia, New Brunswick, Ontario, and Québec; Alberta Softwood Lumber Trade Council, British Columbia Lumber Trade Council, Conseil de l'industrie forestière du Québec, and Ontario Forest Industries Association; Canfor Corporation, Fontaine, Inc., Mobilier Rustique (Beauce) Inc., J.D. Irving, Limited, Resolute FP Canada Inc., Tolko Marketing and Sales Ltd. and Tolko Industries Ltd., Gilbert Smith Forest Products, and West Fraser Mills Ltd. with the United States Section of the USMCA Secretariat on September 8, 2022, pursuant to USMCA Article 10.12. Panel Review was requested of the U.S.

International Trade Administration's Final Results in the 2020 Countervailing Duty Administrative Review of Certain Softwood Lumber from Canada, which was published in the Federal Register on August 9, 2022. The USMCA Secretariat has assigned case number USA-CDA-2022-10.12-03 to this request.

**FOR FURTHER INFORMATION CONTACT:** Vidya Desai, United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, D.C. 20230, 202-482-5438.

**SUPPLEMENTARY INFORMATION:** Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a

Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established *USMCA Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in accordance with Rule 40. For the complete Rules, please see [https://can-mex-usa-sec.org/secretariat/agreement-acuerdo-usmca-accum-tmec/rules-regles-reglas/article-article-articulo\\_10\\_12.aspx?lang=eng](https://can-mex-usa-sec.org/secretariat/agreement-acuerdo-usmca-accum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng).

The Rules provide that:

- (a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 44 no later than 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 11, 2022);
- (b) A Party, an investigating authority or other interested person who does not file a Complaint but who intends to participate in the panel review shall file a Notice of Appearance in accordance with Rule 45 no later than 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is October 24, 2022);
- (c) The panel review will be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: September 9, 2022.

**Vidya Desai,**

*U.S. Secretary,*

*USMCA Secretariat.*